



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/347,787 07/06/99 GREEN

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002555 IM62/0326
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EXAMINER

GALLAGHER, J

ART UNIT

PAPER NUMBER

1733

DATE MAILED:

~~03/26/01~~

4-17-01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/347787

Applicant(s)

Examiner

Group Art Unit

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1 - 39 is/are pending in the application.
Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1 - 39 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Interview Summary, PTO-413
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☒ Other REFERENCE COPIES

Office Action Summary

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1. Applicants Preliminary Amendment, filed 01 JUNE 2000, has been received and made of record.

2. Claim ~~1~~ 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, applicants apparent intent is that the COMPOSITION recited in claim 1 contain a dye (as in claim 9) , although this claim is not presently so set forth.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7, 10-16, 18-23 and 25-26 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over MASUZAKI et al.

Masuzaki et al. disclose an aerosol adhesive composition composed of an adhesive resin (any to include PVC, elastomers (e.g. ABS), acrylics etc.), a solvent (e.g. MEK, MeOH etc.) and a propellant (e.g. DME etc.) (abstract, col. 1 lines 17-18 and 56-63, col. 2 lines 12-16 and 51-57, col. 3 lines 25-26). Any differences which might possibly/conceivably exist between this envisioned, claimed invention and the teachings of this reference are held/seen NOT to constitute patentable differences, all of the compositional limitations of these claims being held/seen to be satisfied by this reference.

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 8, 17 and 24 are rejected, and claims 19-20 and 26 are further rejected under 35 U.S.C. 103(a) as being unpatentable over MASUZAKI et al in view of SMRT et al.

SMRT et al disclose that it is known to incorporate a suspending agent (e.g. silica) in aerosol compositions of the type/similar to those of MASUZAKI et al. (abstract, col. 2 lines 41-52, col. 3 lines 22-48, col. 4 lines 2-5 and 64-67, col. 5 lines 11-30 and N.B. lines 02-25), such that it would have been obvious to one of ordinary skill in this art to incorporate such a conventional ingredient/component in the composition of MASUZAKI et al; mere incorporation of a known component involved.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over MASUZAKI et al in view of WALDROP et al..

WALDROP et al disclose that it is known to incorporate a (a) dye; and (b) mixed solvent of the type envisioned for use by applicant, in compositions of the type/most similar to those of MASUZAKI et al, (abstract, col. 2 lines 13-17 and 58-67, col. 3l lines 1-8 and 44-51, col. 5 lines 11-67), such that it would have been obvious to one of ordinary skill in this art to incorporate such conventional ingredients/components in the composition of MASUZAKI et al, wherever deemed desirable an/or necessary; mere use/inclusion of known ingredients involved.

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8. Claims 27-29, 31-34 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of applicants admission as to what constitutes prior art (hereinafter referred to as the prior art admission) or KING or MEYERS, each in view of MASUZAKI et al.

The prior art admission (N.B. page 1 line 4 thru page 2 line 28 of applicants specification), KING (col. 1 line 45 thru col. 2 line 2) and MEYERS (abstract, col. 1 lines 47-49 and 55-68, col. 2 lines 1-5, col. 4 lines 11-16) all disclose and/or establish that it is known to join plastic pipe sections/components utilizing an SWC, such that it would have been obvious to one of ordinary skill in this art to employ the adhesive composition of MASUZAKI et al. in any of the three foregoing joining processes, in place of the corresponding, analogous adhesive employed therein; mere substitution of one known adhesive/SWC for another involved.

9. Claims 30 is rejected, and claim 32 is further rejected under 35 U.S.C. 103(a) as being unpatentable over any one of the prior art admission or KING or MEYERS, each in view of MASUZAKI et al and SMRT et al, all of record above.

10. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of the prior art admission or KING or MEYERS, each in view of MASUZAKI et al and WALDROP et al, all of record above.

11. Claims 1-26 are further rejected under 35 U.S.C. 103(a) as being unpatentable over WALDROP et al in view of either MASUZAKI et al or SMRT et al., all of record above. It would have been obvious to one of ordinary skill in this art to incorporate the conventional propellant of either of the secondary references into the composition of WALDROP et al,

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wherever deemed desirable and/or necessary; mere (a) incorporation of a known material; and (b) use of a known material/component; and (b) use of a known technology/technique, involved, the composition of all three of these references being most similar/of the same general type.

12. Claims 27-39 are further rejected under 35 U.S.C. 103(a) as being unpatentable over any one of the prior art admission or KING or MEYERS each in view of WALDROP et al and further in view of either MASUZAKI et al and/or SMRT et al, all of record above.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JJ GALLAGHER whose telephone number is (703) 308-1971. The examiner can normally be reached on Mon-Fri from approximately 8:30 A.M. to 5:00 P.M. The examiner can also be reached on alternate N/A.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL BALL, can be reached on (703)308-2058. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3599.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661/0662.

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JJG
Gallagher/af
3-20-01
March 18, 2001



JOHN J. GALLAGHER
PRIMARY EXAMINER
ART UNIT 131 1733